



Patentitioner's Docket No. 1062/D73

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: James D. Dale, Richard J. Lanigan

Application No.: 10/697,176

Group No.: 3746

Filed: 10/30/2003

Examiner: Not Assigned

For: System and Method for Pumping Fluid Using a Pump Cassette

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT TRANSMITTAL AND
RESPONSE TO
NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is other than a small entity.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is **mandatory**;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____ - _____


Signature

Date: March 16, 2004

Jeffrey T. Klayman

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY				
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA			RATE		ADDIT. FEE
TOTAL	27	- 27	= 0	x	\$	18.00	= \$	0.00
INDEP.	3	- 3	= 0	x	\$	86.00	= \$	0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+	\$	0.00	= \$	0.00
TOTAL ADDIT. FEE								\$ 0.00


No additional fee for claims is required.

FEE DEFICIENCY

5. An additional extension and/or fee is required, charge Account No. 19-4972.

An additional fee for claims is required, charge Account No. 19-4972.

Date: March 16, 2004



 Jeffrey T. Klayman
 BROMBERG & SUNSTEIN LLP
 125 Summer Street
 Boston, MA 02110-1618
 US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dale et al.

Att'y Docket: 1062/D73

Serial No.: 10/697,176

Art Unit:

Filed: October 30, 2003

Examiner:

Title: **SYSTEM AND METHOD FOR PUMPING FLUID USING A
PUMP CASSETTE**

CERTIFICATE OF MAILING

I hereby certify that this document, along with any other papers referred to as being attached or enclosed, is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 16, 2004.


Jeffrey T. Klayman

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT

Dear Sir:

In response to the **Notice of Omitted Item(s) in a Nonprovisional Application** of February 2, 2004, please amend the above-identified application as follows:

Amendments to the Specification begin on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.